

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WESTERN WATERPROOFING COMPANY,
INC. D/B/A WESTERN SPECIALTY
CONTRACTORS,

Plaintiff,

v.

No. 20-cv-3199 (CM)

ZURICH AMERICAN INSURANCE COMPANY,
ALLIED WORLD SPECIALTY INSURANCE
COMPANY, BDG GOTHAM RESIDENTIAL,
LLC, ZDG, LLC, AND AMERICAN ZURICH
INSURANCE COMPANY,

Defendants,

and

STARR INDEMNITY & LIABILITY COMPANY,
NAVIGATORS INSURANCE COMPANY,
PHILADELPHIA INDEMNITY INSURANCE
COMPANY, MARKEL AMERICAN
INSURANCE COMPANY, AND BERKLEY
INSURANCE COMPANY,

Intervening Defendants.

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BDG GOTHAM RESIDENTIAL, LLC
and ZDG, LLC,

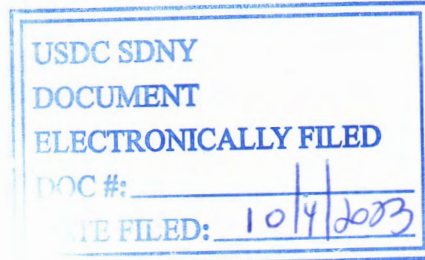
Counterclaim Plaintiffs,

v.

WESTERN WATERPROOFING COMPANY,
INC. D/B/A WESTERN SPECIALTY
CONTRACTORS,

Counterclaim Defendant.

x



ORDER DIRECTING RESPONSE

McMahon, J.:

Gotham, ZDG and Western have ten business days to apprise the court of any reason why the court should not enter an order dismissing Gotham's and ZDG's counterclaims for indemnification and contribution on the merits. I believe the answer is apparent from the pleadings and the law as I understand it, but I do not wish to finalize my decision without giving the parties notice that I am on the verge of dismissing the counterclaims on the merits and asking for any argument that would bar me from doing so. Please do not discuss issues of former adjudication. Your response to this order is limited to ten pages; do not bother acquainting me with things I already know.

Dated: October 4, 2023



U.S.D.J.